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Greenbrier County Commission



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April 14, 2008

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St., NW, Rm 711
Washington, DC 20423

ENTERED
Office of Proceedings

APR 18 2008

Part of
Public Record



Re: CSXT Transportation, Inc. -Abandonment Exemption - Greenbrier and Fayette
Counties, WV - AB-55 (Sub-no. 682X)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of **Greenbrier County** in collaboration with Fayette County which are political subdivisions interested in transportation and/or natural resources, which is hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between [near Rainelle, milepost CAF 27] and [Nallen, milepost CAF 43.7].

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:
An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of -public use on reasonable terms. The justification for this condition is that the rail corridor in question is along the Meadow River, a scenic river and will connect to the Gauley River Recreational Area. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans.

The potential use of the corridor as a public trail will enhance the areas tourism potential, contribute to ongoing community revitalization and promote healthy lifestyles. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end.

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The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time -because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period -requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, Greenbrier County in concert with Fayette County is willing to assume full responsibility for management of, for any legal liability -arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by [CSX Transportation, Inc.].

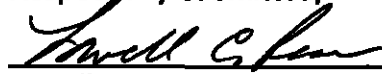
The property extends from railroad milepost CAF 27 near [Rainelle] to railroad milepost CAF 43.7 near [Nallen] a distance of 16.7 miles in Greenbrier and Fayette Counties, WV. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-no. 682X).

A map depicting the right-of-way is attached.

Fayette County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By the signatures below, We certify service upon [CSX Transportation, Inc. 500 Water Street, Jacksonville, FL 32202], by U.S. Mail, postage prepaid, first class, this 14th day of April, 2008.

Respectfully submitted,



Lowell C. Rose, President

on behalf of: Greenbrier County Commission